

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARVIN A. SEWELL,

Plaintiff,

v.

FRANKLIN CREDIT MANAGEMENT
CORPORATION, et al.,

Defendants.

No. 2:24-cv-02241 DJC CKD (PS)

ORDER

Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 302(c)(21).

Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

The federal in forma pauperis statute authorizes federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

Here, plaintiff’s brief and conclusory allegations do not state a federal claim against any

1 defendant. See ECF No. 1. Plaintiff alleges that in June 2024, his property was foreclosed and
2 went to auction, and that defendants violated unspecified laws in connection with the foreclosure.
3 Plaintiff states without explanation that the amount in controversy is \$256,000. He asserts federal
4 diversity jurisdiction, which requires an amount in controversy of at least \$75,000. See 28 U.S.C.
5 § 1332(a).

6 The federal courts are courts of limited jurisdiction. In the absence of a basis for federal
7 jurisdiction, plaintiff's claims cannot proceed in this venue. As to diversity jurisdiction, the
8 diversity statute is strictly construed, and any doubts are resolved against finding jurisdiction.
9 Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1092 (9th Cir. 1983). As plaintiff has alleged
10 no legal or factual basis for the claimed damages, the amount in controversy requirement plainly
11 cannot be met. See McDaniel v. Hinch, No. 2:17-cv-02448 KJM CKD (E.D. Cal.), Order dated
12 July 11, 2018 (“[W]ith no stated claim triggering either diversity or federal question jurisdiction,
13 the complaint is properly subject to dismissal for lack of jurisdiction. Fed. R. Civ. P 8(a)(2);
14 Ashcroft v. Iqbal, 556 U.S. 662, 677 (2009).”).

15 Because there is no basis for federal jurisdiction evident in the complaint, plaintiff will be
16 ordered to show cause why this action should not be dismissed. Failure to allege a proper basis
17 for jurisdiction will result in a recommendation that the action be dismissed.

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is GRANTED;
20 2. No later than February 26, 2025, plaintiff shall show cause why this action should not
21 be dismissed for lack of jurisdiction.

22 Dated: February 5, 2025

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24 CAROLYN K. DELANEY
25 UNITED STATES MAGISTRATE JUDGE
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